

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

---

Rosalind Brown, on behalf of herself and  
all others similarly situated,

Plaintiffs,

Civ. No. 09-2413 (RHK/FLN)  
**ORDER**

v.

Ameriprise Financial Services, Inc., f/k/a  
American Express Financial Advisors, Inc.,

Defendant.

---

This matter is before the Court on Defendant's Motion to Modify the Scheduling Order to Extend the Dispositive Motion Deadline (Doc. No. 58). In that Motion, Defendant points out that it currently has pending before Magistrate Judge Noel a Motion for Sanctions (Doc. No. 48), which seeks the dismissal of Plaintiff's Complaint under Federal Rule of Civil Procedure 11. It argues that requiring it to brief summary judgment while the sanctions Motion is pending could result in "needless expense and abuse of judicial time and resources." (Def. Mem. at 1.)

The Court appreciates Defendant's concern. Nevertheless, given the age of this case – which has been pending nearly two years – the Court does not believe that further delay is appropriate. Rather, in the Court's view it would be better for the parties to brief summary judgment while the sanctions Motion is pending before Judge Noel. The Court can then await Judge Noel's recommendation before disposing of Defendant's yet-to-be-filed summary-judgment Motion, if necessary.

Based on the foregoing, and all the files, records, and proceedings herein, **IT IS ORDERED** that Defendant's Motion to Modify the Scheduling Order to Extend the Dispositive Motion Deadline (Doc. No. 58) is **DENIED**.

Date: June 13 2011

s/Richard H. Kyle  
RICHARD H. KYLE  
United States District Judge